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Total Number of Pages in This Submission

21

Application Number	10/734,041
Filing Date	December 11, 2003
First Named Inventor	Lukas Eisermann et al.
Art Unit	3733
Examiner Name	David C. Comstock
Attorney Docket Number	MSDI-222/PC765.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	June 2, 2008	Reg. No.	45,431

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Date June 2, 2008

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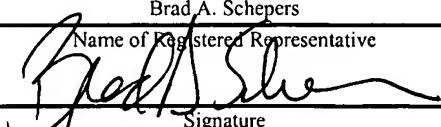
In re patent application of:) Before the Examiner
Eisermann et al.) David C. Comstock
)
Application Serial No. 10/734,041) Group Art Unit 3733
)
Filed December 11, 2003) Ref. No. MSDI-222/
) PC765.00
)
EXPANDABLE INTERVERTEBRAL) June 2, 2008
IMPLANT)

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated March 24, 2008, please consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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INTRODUCTORY COMMENTS

Claims 1-29 and 33-60 were pending in the subject application for the non-final Office Action dated March 24, 2008. Each of the claims has been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.